

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 28, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMMALENA ANN MICHEL,

Defendant.

NO: 2:22-CR-49-RMP-1

PROTECTIVE ORDER

BEFORE THE COURT is the United States of America's Motion for Protective Order, ECF No. 18. Defendant Emmalena Ann Michel does not oppose the motion and the United States requests that the motion be heard on an expedited basis. *Id.* Having reviewed the motion, the record, and relevant law, the Court is fully informed.

Defendant is alleged to have committed crimes on an Indian reservation, including involuntary manslaughter and assault resulting in serious bodily injury. ECF No. 1. The United States moves the Court to issue a discovery protective order regarding the disclosure of discovery and sensitive information to Defense

1 Counsel in connection with the United States’ discovery obligations. ECF No. 18.  
2 Specifically, the United States submits that this case includes “delicate and  
3 sensitive personal information” about the two juvenile victims involved and seeks  
4 to protect the “sensitive personal identifiers contained in the discovery in this  
5 case.” *Id.* at 2. The Court finds that good cause exists to grant the motion.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. The United States’ Unopposed Motion for Discovery Protective Order,  
8 **ECF No. 18**, is **GRANTED**.

9 2. Pursuant to the discovery obligations previously imposed by the Court,  
10 the United States is authorized to disclose discovery in its possession and any  
11 Protected Information contained therein. As used herein, “Protected Information”  
12 means sensitive personal, business, and financial information of defendants and  
13 third parties, including for example, medical records, autopsy photographs, social  
14 security numbers, driver’s license and identification information, taxpayer  
15 identification numbers, tax information and records, salary information, dates of  
16 birth, birth places, addresses, phone numbers, e-mail addresses, personal  
17 photographs, cooperating witness information, minor witness information, and  
18 financial and business account numbers and information.

19 3. Counsel for Defendant (hereinafter “Defense Counsel”) shall not share or  
20 provide any discovery items produced by the United States in this case with  
21 anyone other than designated Defense Counsel, defense investigators, retained

1 expert witnesses, and support staff. Defense Counsel may permit Defendant to  
2 view unredacted discovery items in the presence of Defense Counsel, defense  
3 investigators, and support staff. Defense Counsel personally, or through Defense  
4 Counsel's investigators and support staff, may show unredacted discovery items to  
5 witnesses in regard to items or events about which a witness may have personal  
6 knowledge. Defense Counsel and his investigators and support staff shall not  
7 allow Defendant or witnesses to copy Protected Information contained in the  
8 discovery.

9 4. The discovery and information therein may be used only in connection  
10 with the litigation of this case and for no other purpose. The discovery is now and  
11 will forever remain the property of the United States. At the conclusion of the  
12 case, Defense Counsel will return the discovery to the United States, will certify  
13 that it has been shredded, or, if the materials are still needed, will store it in a  
14 secure place and not disclose it to third parties. If the assigned Defense Counsel is  
15 relieved or substituted from the case, Defense Counsel will return the discovery to  
16 the United States or certify that it has been shredded.

17 5. Defense Counsel shall store the discovery in a secure place and will use  
18 reasonable care to ensure that it is not disclosed to third persons contrary to the  
19 Protective Order.

20 6. Defense Counsel shall be responsible for advising Defendant, employees,  
21 witnesses, and other members of the defense team of the contents of this Protective

1 Order.

2 7. This Protective Order shall also apply to any new Defense Counsel that  
3 may later become counsel of record in this case.

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order  
5 and provide copies to counsel.

6 **DATED** April 28, 2022.

7  
8 *s/ Rosanna Malouf Peterson*  
9 ROSANNA MALOUF PETERSON  
10 Senior United States District Judge  
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